



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/924,106 Confirmation No. : 9988
Applicants : ANDREAS EBERT ET AL.
Filed : August 8, 2001
TC/A.U. : 1725
Examiner : Kevin McHenry
Docket No. : 011210.50211US
Customer No. : 23911
Title : CATALYST ELEMENT FOR A STACKED REACTOR
AND PROCESS FOR PRODUCING THE CATALYST
ELEMENT

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop NON-FEE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are respectfully submitted in response to the outstanding Office Action dated February 18, 2004.

Responsive to the restriction requirement, Applicants hereby provisionally elect, with traverse, the Group I, Claims 1-7, and 9 for prosecution on the merits. Since the method Claims of 10-14 of Group II include common distinguishing features as those of the elected product claims of Group I, it would be appropriate to examine and allow these two groups of claims in the same application.

Responsive to the election of species requirement, Applicants hereby provisionally elect the species 2 shown in Figure 2. It is submitted that Claims 1-3, 5, 6, and 9 read on this elected species. This election is made with traverse

because, as pointed out below, there are generic claims reading on all of the identified species and the indication of five patentably distinct species is incorrect.

It is respectfully submitted that at least Claims 1 and 9 read the elected species illustrated in Figure 2, and also on all of the other indicated species. In this connection, neither of these generic Claims 1 and 9 require the mediator layer and therefore would also read on the species of Figure 1. In any event, since allowable generic claims are present, all dependent claims to the non-elected species should also be considered and allowed in this application.

It is also respectfully submitted that the Office Action is in error in identifying five patentably distinct species as illustrated in the respective Figures 1-5. This is because Figures 4 and 5 relate to a single species as set forth in paragraphs [0023], [0024], and [0034].

In view of the foregoing remarks, reconsideration and favorable action on the claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

Serial No. 09/924,106
Office Action dated
February 18, 2004

please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket No. 011210.50211US).

Respectfully submitted,

March 18, 2004



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